



Comptroller General
of the United States

Washington, D.C. 20548

Jordan

Decision

Matter of: Comptron Research, Inc.

File: B-235826

Date: September 25, 1989

DIGEST

Protester was properly excluded from the competitive range where the agency reasonably concluded that the offeror had no reasonable chance of award because its proposal contained significant technical weaknesses in the areas of professional and technical staffs, and its understanding of the scope of work, and was scored substantially below the technical proposals of two higher rated offerors.

DECISION

Comptron Research, Inc. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. NIH-ES-89-01, issued by the National Institute of Environmental Health Sciences (NIEHS) for provision of a literature review and analysis on environmental mutagenesis. Comptron contends that the evaluation of its proposal was inaccurate and thus it was improperly excluded from the competitive range.

We deny the protest.

As part of the National Toxicology Program's testing and research to determine potential human health hazards due to environmental exposure to chemicals, NIEHS solicited proposals for the conduct of literature and data searches and preparation of reports on 45 to 60 chemicals each year for 5 years, on a cost reimbursement basis. The winning offeror would, among other things, identify information on the mutagenic, clastogenic, and other genotoxic properties of the parent compound and identified related compounds.

Offerors were advised that technical proposals would receive paramount consideration, but not to the exclusion of cost considerations. Proposals were evaluated on the basis of four factors: Professional Staff (30 points); Technical Staff (30 points); Understanding the Scope of Work

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(35 points); and Facilities and Equipment (5 points). Specifically, offerors were advised that under the first criterion, the principal investigator would be evaluated on the basis of a demonstrated expertise in genetic toxicology; capability to coordinate the project; and amount of active participation in writing and daily management, while the co-principal investigator was evaluated on his or her background in biochemistry or chemistry and demonstrated expertise in the area of project involvement. Under the second criterion, the technical staff was evaluated on their demonstrated experience in biology (preferably genetic toxicology), chemistry, and library science. The scope of work criterion was evaluated on the demonstrated knowledge of available data bases and resources and examples of previous work similar to the proposed contract work. Facilities and equipment were evaluated on the appropriateness and quality of available facilities, computer hardware and software, and proposed commercial data base access.

The agency received five proposals, which were evaluated by a peer review committee composed of four experts, three of whom were from outside NIEHS. Two of the proposals were determined to be within the competitive range and were given the opportunity to submit best and final offers. The remaining offerors, including Comptron, were found technically unacceptable and eliminated from the competitive range. After being notified of its elimination and receiving a written debriefing, Comptron filed its protest with our Office.

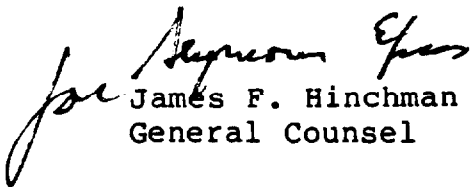
The evaluation of technical proposals and the resulting determination as to whether an offeror is in the competitive range is a matter within the discretion of the contracting agency, since that agency is responsible for defining its needs and the best method of accommodating them. Generally, offers that are technically unacceptable as submitted and would require major revisions to become acceptable are not required to be included in the competitive range. Rice Services, B-218001.2, Apr. 8, 1985, 85-1 CPD ¶ 400. In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the agency's evaluation to ensure that it was not arbitrary or in violation of the procurement laws and regulations. IRT Corp., B-227963, Oct. 28, 1987, 87-2 CPD ¶ 411. We find that the NIEHS technical evaluation of Comptron's proposal and exclusion of it from the competitive range were reasonable.

The evaluation team observed a number of weaknesses in all four technical areas. In particular, we note that with regard to the first three criteria, worth 95 points, the

team found the principal investigator was not a genetic toxicologist and that his commitment to the project was inadequate to meet his writing and management responsibilities. The co-principal investigator's in-depth chemistry expertise was lacking and the technical staff had minimal library science skills. The proposed use of particular research files was unclear, the listing of data bases incomplete, and it appeared, from a sample of Comptron's prior work, that it had underestimated the time and effort necessary to successfully pursue the proposed contract work. In fact, the evaluation team believed that the stringent schedule proposed would compromise the quality of the documents produced. The agency admits that weaknesses observed with regard to facilities and equipment were erroneously reported. However, granting full credit for this evaluation criterion would raise Comptron's score by only 5 points, leaving it more than 20 points below the lower scored offeror within the competitive range.

In response, Comptron takes issue with the agency's evaluation and explains why its proposal should have been included in the competitive range. For example, Comptron argues that its proposed employees and estimated time are sufficient to meet the requirements of the contract. Based upon our review of the evaluation as outlined above, we find its elimination from the competitive range to be reasonable and well documented. Comptron's criticism of the evaluation is a mere disagreement with the agency evaluation which does not render it unreasonable. ESCO, Inc., 66 Comp. Gen. 404 (1987), 87-1 CPD ¶ 450.

The protest is denied.


James F. Hinchman
General Counsel